

REMARKS

The status of the application is as follows:

- Original Claims 1-12 were presented for prosecution.
- Original Claims 7 and 12 were withdrawn from consideration by the Examiner as being drawn to non-elected subject matter, and were cancelled by the Applicant.
- Original Claims 1-6 and 8-11, as previously amended, were rejected by the Examiner.
- Original Claims 1-6 and 8-11 were, by an Amendment Document filed 3/21/2008, again amended.
- Previously canceled Claim 12 was added herein as *New* Claim 12 by an Amendment Document filed 7/20/2008.
- *New* Claim 12 filed 7/20/2008, was objected to by the Examiner as being non-compliant on 11.04.08.
- *New* Claim 12 has been cancelled herein to its designation has been restored *previously cancelled*.
- *New* Claim 13 is added herein by an Amendment.
- No Claims have been currently amended herein.
- No Claims have been allowed.

Claims 1-6 and 8-11, as amended by the Amendment Document filed 3/21/2008, and *New* Claim 13 are pending for reconsideration by the Examiner.

In a Notice of Non-compliant Amendment, mailed November 4, 2008, and referring to

37 FR §1.121, the Examiner noted that:

- 1) Applicants' amendment, filed 3/21/2008, improperly lists claim 12 as *Currently Amended* because this claim was previously canceled. Therefore, the claims do not meet the requirements of 37 CFR §1.121;
- 2) Applicant's Amendment, filed on 07/20/08, listing claim 12 as "new", did not meet the requirements of 37 CFR 1.121.
- 3) Cancelled claims cannot be reinstated. However, applicants were advised that they could add a new claim drawn to a method of making the product of claim 1;
- 4) Claim 12 (step r) recites an incomplete sentence.

In response to items 1) and 2), above, applicants have herein:

- removed the improper designation of Claim 12 as *Currently Amended*;
- properly re-designated Claim 12 as *Previously Cancelled*; and
- added New Claim 13.

CONCLUSION

Applicants respectfully believe that all independent claims and dependent claims now meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invite the Examiner to contact Applicants' representative at the telephone number listed below.

Respectfully submitted,

/Sander Rabin/

Sander Rabin, MD JD November 20, 2008

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